

CHAPTER 53. RECORDS, SURVEYS, AND PLATTING.

Article

...

5. **Platting Authority in the Unorganized Borough (11 AAC 53.600 – 11 AAC 53.740)**

6. General Provisions (11 AAC 53.900)

ARTICLE 2. SURVEY AND PLATTING STANDARDS.

Section

...

250 **(Repealed)** [REPLATS AND VACATIONS]

...

11 AAC 53.250 is repealed:

11 AAC 53.250. REPLATS AND VACATIONS. Repealed. (Eff. 6/16/72, Register 42; am 3/27/80, Register 73; am 1/1/86, Register 96; repealed 7/5/2001, Register 159)

11 AAC 53.260 is amended to read:

11 AAC 53.260. AMENDED PLAT. If [WHEN] a technical error is detected on an officially filed plat, and **if the commissioner determines that** [WHEN] the error's correction [, IN THE JUDGMENT OF THE DIRECTOR,] will not adversely affect any valid existing right, the following correction procedure may be used in place of the replat procedure of **11 AAC 53.730** [SEC. 250 OF THIS CHAPTER]:

(1) **immediately** [IMMEDIATELY] above the title block on the original filed plat, the statement "Amended Plat" must be placed in bold letters; [.]

(2) **repealed 7/5/2001;** [AT ANY CONVENIENT PLACE, THE FOLLOWING CERTIFICATE MUST BE PLACED ON THE ORIGINAL PLAT:

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ONLY CHANGE MADE ON THIS PLAT WAS TO

MAKE TECHNICAL CORRECTIONS AS DESCRIBED IN THE AFFIDAVIT
RECORDED IN BOOK, PAGE, RECORDING
OFFICE

(DATE) (NUMBER)

DATE REGISTRATION NUMBER

(SURVEYOR'S SEAL)

(SIGNATURE IN BLACK INK)

.....
REGISTERED LAND SURVEYOR]

(3) **the** [THE] following separate **certification** [AFFIDAVIT] must be
prepared and presented with the original amended plat to the appropriate **district**
recorder's office for filing:

CERTIFICATION [AFFIDAVIT]

Name of plat, subdivision:

The **above-referenced** [ABOVE REFERENCED] subdivision plat as filed in the
..... recording office under plat file number has been revised as follows:

.....
(revision)

The above revision constitutes the sole change made to the plat aside from the
notation above the title block on the plat. The above revision does not affect any valid
existing rights. I am therefore submitting this plat for refiling as corrected.

[(DATE) (NUMBER)]

Date Registration Number

(surveyor's seal)

(signature in black ink)

.....
Registered Land Surveyor

[SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF, 19....

(SIGNATURE IN BLACK INK)

.....

NOTARY FOR ALASKA

(DATE)

MY COMMISSION EXPIRES:]

(4) a [A] true and certified blueline copy of the filed amended plat and a copy of the recorded **certification** [AFFIDAVIT] must be submitted to the **department** [DIRECTOR] within 14 days **after** [OF] filing and recording. The copy of the **certification** [AFFIDAVIT] must be made by a mechanical reproduction process that produces a permanent copy. (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Authority:	AS 38.04.045	AS 38.05.020	AS 40.15.305
	AS 38.04.900	AS 40.15.075	<u>AS 40.15.370</u>

Note: After the above amendments are incorporated, 11 AAC 53.260 will read as follows:

11 AAC 53.260. AMENDED PLAT. If a technical error is detected on an officially filed plat, and if the commissioner determines that the error's correction will not adversely affect any valid existing right, the following correction procedure may be used in place of the replat procedure of 11 AAC 53.730:

(1) immediately above the title block on the original filed plat, the statement "Amended Plat" must be placed in bold letters;

(2) repealed 7/5/2001;

(3) the following separate certification must be prepared and presented with the original amended plat to the appropriate district recorder's office for filing:

CERTIFICATION

Name of plat, subdivision:

The above-referenced subdivision plat as filed in the recording office
under plat file number has been revised as follows:

.....

(revision)

The above revision constitutes the sole change made to the plat aside from the notation above the title block on the plat. The above revision does not affect any valid existing rights. I am therefore submitting this plat for refile as corrected.

Date Registration Number

(surveyor's seal)

(signature in black ink)

.....

Registered Land Surveyor

(4) a true and certified blue-line copy of the filed amended plat and a copy of the recorded certification must be submitted to the department within 14 days after filing and recording. The copy of the certification must be made by a mechanical reproduction process that produces a permanent copy. (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Authority:	AS 38.04.045	AS 38.05.020	AS 40.15.305
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	AS 38.04.900	AS 40.15.075	AS 40.15.370
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11 AAC 53 is amended by adding new sections to read:

ARTICLE 5. PLATTING AUTHORITY IN THE UNORGANIZED BOROUGH.**Section**

- 600. Purpose
- 610. Applicability
- 620. Submittal
- 630. Legal access

- 640. Dedication to public
- 650. Acquisition plats
- 660. Amended plats
- 670. Field standards
- 680. Monumentation requirements
- 690. Plat standards under AS 40.15.300
- 700. Certificates
- 710. Notes
- 720. Final plat submittal under AS 40.15.300
- 730. Replats and vacations
- 740. Variances

11 AAC 53.600. PURPOSE. The purpose of 11 AAC 53.600 – 11 AAC 53.740 is to implement AS 40.15.300 - 40.15.380, when the department is the platting authority under AS 40.15.070. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.370

11 AAC 53.610. APPLICABILITY. (a) The provisions of AS 40.15.300 – AS 40.15.380 do not apply to the following:

(1) a subdivision that creates parcels for the purpose of transferring a leasehold interest is exempt, if

(A) each individual parcel is identified with the words “lease parcel” and the parcel number; and

(B) the following note is shown on the plat:

This subdivision plat is not subject to the Department of Natural Resources' platting authority approval because of AS 40.15.360(1), which exempts leasehold parcels. Title to the leasehold parcels depicted on this plat may not be conveyed until the plat has been approved by the appropriate platting authority in accordance with AS 40.15.010.

(2) disposing of land by aliquot-part descriptions in accordance with AS 40.15.360(2); for the purposes of AS 40.15.360(2), a surveyed section is a section of

which each section and quarter-section corner on the exterior boundary of the section or fractional section has been monumented and documented by a plat of record;

(3) plats that are exempt under AS 40.15.900(5)(B), if they are approved or accepted by the plat approval authority of the United States Department of Interior, Bureau of Land Management;

(4) surveys approved by the United States Department of Interior, Bureau of Land Management, of parcels to be conveyed under 43 U.S.C. 1613(c) (sec. 14(c) of the Alaska Native Claims Settlement Act) if, when they are sent to the appropriate district recorder's office, they are accompanied by a Bureau of Land Management approval document, such as a "Notice of Compliance" that is signed by the plat approval authority of the Bureau of Land Management.

(b) If title to an Alaska Native allotment parcel made under former 43 U.S.C. 270 — 270-3 (Native Allotment Act of May 17, 1906, 34 Stat. 197, as amended) is held in restricted status when the subdivision of the allotment is approved, a title status report approved under 25 C.F.R. 150 by the United States Department of Interior, Bureau of Indian Affairs will be accepted in lieu of a certificate to plat required by 11 ACC 53.620(a)(3). The department will be the last signatory on the plat and will record the plat at the subdivider's expense. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.360 AS 40.15.370 AS 40.15.900

11 AAC 53.620. SUBMITTAL. (a) Plats submitted to the department under AS 40.15.305 must include the following:

- (1) two full-size paper copies of the plat;
- (2) plat review fees required by 11 AAC 05.010;
- (3) a certificate to plat that
 - (A) is prepared by a title company;
 - (B) shows the names of the owners of record, and all encumbrances affecting the parent parcel; and
 - (C) is executed no more than 90 days before submittal;

- (4) supporting documents, including
 - (A) deeds or plats that created the parent parcels; and
 - (B) documentation of access to and easements within the parent parcel, as required by 11 AAC 53.630 or other applicable law;
 - (5) a lot summary for each parcel in the subdivision.
- (b) The 45-day review period required by AS 40.15.305(d) for plat approval begins when the department receives all items required by (a) of this section. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.305 AS 40.15.370

11 AAC 53.630. LEGAL ACCESS. A plat will not be approved under AS 40.15.305 unless the

- (1) plat clearly shows how access is provided to the subdivision and to each lot within the subdivision;
- (2) subdivider provides to the department documentation verifying the existence of public access rights from the subdivision to a road system, public airport, or navigable water body; documentation must be in the form of a plat of record, recorded easement, or reservation; if documentation does not exist, the subdivider may provide documentation that demonstrates that a provision of state or federal law otherwise provides public access rights to the subdivision; and
- (3) subdivider obtains written comments regarding utility easements within the subdivision from utility companies that serve the subdivision. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.300 AS 40.15.330 AS 40.15.370

11 AAC 53.640. DEDICATION TO PUBLIC. (a) Each right-of-way, easement, or other public area shown on the plat is dedicated to public use under AS 40.15.030. By a note or certificate on the plat, the department will accept a dedication under

AS 40.15.030. Acceptance for public use does not obligate the department, any governing body, or the public to construct, operate, maintain, or manage improvements.

(b) Rights-of-way must be dedicated for access to all lots within the subdivision. Dedications must be sufficient to carry all traffic generated by the subdivision and projected to travel through it and must be sufficient to provide for the maneuvering of emergency vehicles.

(c) This subsection applies to a public right-of-way or easement the department acquires by dedication and acceptance under this section. An owner of land within a platted subdivision is not required to obtain a permit from the department under 11 AAC 96 in order to:

(1) design, build, sign, and maintain a public road on the public right-of-way or easement;

(2) allow the installation of public utilities on, over, or under the public right-of-way or easement, if they do not impair public access; or

(3) install customary private appurtenances, including a driveway, culvert, mailbox, and address signpost, if they do not impair public access on the public right-of-way or easement.

(d) The provisions of (c) of this section do not

(1) apply to a public right-of-way or easement that the department

(A) reserves when the department subdivides state land; or

(B) acquires by any means other than by the exercise of the department's platting authority; or

(2) waive either the permit requirements of another agency, or any requirement of the department other than the permit requirements of 11 AAC 96. (Eff. 7/5/2001, Register 159)

Authority:

AS 40.15.030

AS 40.15.300

AS 40.15.370

11 AAC 53.650. ACQUISITION PLATS. The acquisition of a right-of-way or

easement that does not divide a tract or parcel of land into two or more lots is exempt from 11 AAC 53.600 – 11 AAC 53.730. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.370 AS 40.15.380

11 AAC 53.660. AMENDED PLATS. Amending of plats must be done in conformance with 11 AAC 53.260 and requires approval of the department under that section. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.330 AS 40.15.370

11 AAC 53.670. FIELD STANDARDS. (a) The surveyor shall use closed traverse or other generally accepted field survey procedures to verify that the survey achieves the required degree of accuracy.

(b) The error of closure of field survey traverses may not exceed 1:5000.

(c) For subdivisions that are bounded by the mean high water line or the ordinary high water line of navigable or public waters, the boundary must be determined as set out in 11 AAC 53.120.

(d) After subdivision of the parent parcel, an unsurveyed remainder will be allowed if the remaining parcel is 40 acres or larger. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.370

11 AAC 53.680. MONUMENTATION REQUIREMENTS. (a) In a subdivision with five or fewer lots, the monuments required to be established at controlling exterior corners include each angle point, each point of curvature, and any point on the subdivision exterior boundary that is more than 1,320 feet from a monument. Each monument at each controlling exterior corner must consist of a minimum 5/8-inch by 24-inch rebar with a minimum two-inch diameter aluminum cap. For monuments that are

(1) set by a survey under this subsection,

(A) the surveyor shall stamp the cap with the corner identification, year set, and surveyor's registration number, and shall orient this information so that it may be read when the reader is facing north; and

(B) if both the cap and the pipe are nonferrous metal, the surveyor shall permanently attach additives with magnetic qualities at both the top and bottom of the monument; or

(2) recovered, the surveyor shall

(A) certify that the existence of controlling exterior corners of the subdivision has been established in the field; and

(B) show the current condition, description, and markings of all recovered monuments.

(b) In a subdivision of more than five lots, each corner to be monumented must include each angle point and each point of curvature in the boundary of each lot in the subdivision. The surveyor shall monument each interior corner with a minimum 5/8-inch by 24-inch rebar with a plastic or aluminum cap bearing the surveyor's registration number.

(c) A surveyor who finds monuments and accessories in a disturbed condition shall make sufficient ties to existing monuments of record to properly control the field location of the parent parcel boundaries. The surveyor shall return disturbed monuments and accessories to the original position and condition as nearly as possible or replace them so as to perpetuate the position. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.320 AS 40.15.370 AS 40.15.380

11 AAC 53.690. PLAT STANDARDS UNDER AS 40.15.300 - 40.15.380. (a)

The final subdivision plat must be clearly and legibly drawn to scale upon good-quality polyester film of Dupont Mylar or equivalent quality. Lines, letters, figures, certifications, acknowledgments, and signatures must be clear and legible. When filed, the plat must be in a condition that permits legible prints and negatives to be made from it for purposes of microfilming survey plats. Lines must be dense black, of consistent widths,

and of recognizable width variations. A minimum size 00 pen or size 80 or equivalent mechanical lettering and numbering template may be used for easement lines, details, and notes. Size 80 lettering must be uppercase. Sheets must be 18 inches by 24 inches, or 24 inches by 36 inches, in size. Margin lines must be placed so as to leave a one-half inch margin on each of the three sides and a one and one-half inch margin on the binding side.

(b) If more than two sheets are required, an index map must be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. If more than one sheet is submitted, each sheet must be the same size. If more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, and must show clearly labeled match lines to show where other sheets adjoin. All certificates must appear on the first or last sheet.

(c) A scale of one inch equals multiples of 10 feet or of 100 feet must be used. The scale used must be both clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the land subdivided.

- (d) A title block in the lower right corner of each sheet must show
- (1) the name by which the subdivision may be legally known;
 - (2) a property description of the parent parcel showing the protracted or surveyed section, township and range, meridian, and total area in acres of the proposed subdivision;
 - (3) the name and address of the registered land surveyor preparing the plat;
 - (4) the plat scale;
 - (5) the date of survey and date of plat preparation;
 - (6) the recording district; and
 - (7) the platting authority (PA) number assigned by the department.
- (e) The name of the subdivision must be shown in bold letters. The subdivision name must be unique and must not be so similar to any name appearing on any

recorded plat in the same recording district as to reasonably lead to confusion as to the legal identity of the subdivision. If the department determines that a subdivision name submitted does not comply with this subsection, the department will notify the applicant that the name must be changed in order for the plat to be approved.

(f) The plat must have a vicinity map, a minimum of four inches by four inches, in the upper right-hand corner. The source and year of the base map used must be indicated. The vicinity map must show

- (1) sections;
- (2) townships and ranges;
- (3) any boundaries, including national forest or municipal boundaries; and
- (4) prominent physical or natural features, including roads, lakes, or

rivers.

(g) The plat must include the standard department legend, available on a form provided by the department, with the applicable symbols showing monuments recovered and set for the survey, as well as other monuments used. For the purpose of this subsection, the standard department legend form, revised as of June 6, 2000, is adopted by reference.

(h) Each sheet of the plat must depict a standard north arrow showing magnetic declination with source and date.

(i) The basis of bearing must be clearly labeled within the graphics on the plat.

(j) Sufficient survey data must be shown to positively describe the bounds of each lot, block, street, easement, and other area shown on the plat, as well as the outer boundaries of the lands subdivided. Record and measured data must be shown between all found and set monuments, with a listing of the sources of the record data. A complete description of monuments recovered and set must be shown on the plat.

(k) Each linear measurement must be shown at least to the nearest 1/100th foot, and each angular measurement must be shown at least to the nearest 30 seconds. Each lot area must be shown to the nearest 10 square feet or to the nearest 1/100th of total acres.

(l) For each line affected, curve data must be stated in terms of radius, central angle, and length of curve. However, curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on those curves need show only the length of curve or of that portion of the curve that is included in their boundary. Lines intersecting curves must be labeled as “radial” or “non-radial.”

(m) If any lot or portion of the subdivision is bounded by a water body, and if a major discrepancy is clearly discernible between the current and record meander lines, both the current and record meander lines must be shown and delineated.

(n) The boundary of the subdivision must be designated by a solid line that is wider than other lines appearing on the plat, and may not interfere with the legibility of figures or other data. The legal parcel identifier of adjacent lands must be shown.

(o) Each parcel within the survey’s exterior boundaries that is excepted from the survey must be clearly indicated and labeled, "Not a part of this plat."

(p) Municipal or corporation boundaries within the parcel must be shown on the plat. Each road inside or adjacent to the parcel must be shown.

(q) The plat must clearly show the location, width, and use of each easement. Each easement must be clearly labeled and identified. The source document creating easements of record must be cited.

(r) Each lot and block must be numbered or lettered in consecutive order. All lots within each block must be numbered in consecutive order.

(s) Each dedication must be clearly identified, indicated, or stated on the plat.

(t) A street name shown on a plat filed for record must be unique within the locality except if the street is an extension of an existing street. An extension of an existing street must be named identically to the existing street. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.330 AS 40.15.370

Editor’s Note: The address for requesting forms described or adopted by reference in 11 AAC 53.690 is: Statewide Platting Supervisor, Department of Natural

Resources, 550 W. 7th Avenue, Suite 650, Anchorage AK 99501-3576. Forms may also be obtained from the department's web site at www.dnr.state.ak.us/land/platting.htm

11 AAC 53.700. CERTIFICATES. (a) The plat approval certificate set out in AS 40.15.305(b) must be shown on all plats that are subject to the department's platting authority under AS 40.15.070.

(b) The following note must be shown below the plat approval certificate, unless the acceptance of dedication certificate must be used under (c) of this section:

By approval of this plat, the Commissioner of the Department of Natural Resources hereby accepts for public use and public purposes the real property dedicated to the public hereon, including easements, rights-of-way, alleys, and roadways. The acceptance of such dedicated areas for public use and public purposes does not obligate the department, any governing body, or the public to construct, operate, maintain, or manage improvements.

(c) Plats for subdivisions of land in municipalities that do not exercise platting authority must contain an acceptance of dedication certificate from the mayor or other elected municipal official authorized to accept dedications. Nothing in this section impairs the right of the mayor or other authorized municipal official to refuse a dedication for reasonable public cause, consistent with applicable municipal ordinances. The acceptance of dedication certificate, available on a form provided by the department, must be shown substantially as follows, with the headings capitalized and underlined:

ACCEPTANCE OF DEDICATION

The Mayor hereby accepts for public uses and for public purposes the real property dedicated to the public by this plat including easements, rights-of-ways, alleys, and roadways shown on this plat. The acceptance of lands for public use or public

purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

Date _____

Mayor _____

(d) Each plat must show a surveyor's certificate, shown substantially as set out in 11 AAC 53.210, and available on a form provided by the department.

(e) One or more of the following certificates must be shown on the plat as appropriate to the land action to be recorded, and must use the language set out in and available on forms provided by the department as revised as of June 6, 2000 and adopted by reference:

(1) a certificate of ownership and dedication with notary acknowledgement;

(2) a certificate of ownership with notary acknowledgement;

(3) a certificate of beneficiary with notary acknowledgement; in lieu of a signed certificate of beneficiary on the plat, an affidavit of beneficiary, in the form provided by the department as revised as of June 6, 2000 and adopted by reference, may be submitted.

(f) Each plat must show the tax certificate that is appropriate under 11 AAC 53.720(b)(3). (Eff. 7/5/2001, Register 159)

Authority:

AS 40.15.020

AS 40.15.330

AS 40.15.370

Editor's note: The address for requesting forms described or adopted by reference in 11 AAC 53.700 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Avenue, Suite 650, Anchorage AK 99501-3576. Forms may also be obtained from the department's web site at www.dnr.state.ak.us/land/platting

11 AAC 53.710. NOTES. (a) Except as provided in (b) of this section, the following notes must be shown on the plat as applicable:

(1) "The error of closure of this survey does not exceed 1:5000."

(2) “All bearings shown are true bearings as oriented to the basis of bearing and the distances shown are reduced to horizontal field distances.”

(3) “The natural meanders of ordinary high water (or mean high water line, as applicable) form the true bounds of (parcel name). The approximate line of ordinary high water (or mean high water), as shown, is for area computations only, the true corners being on the extension of the sidelines and their intersection with the natural meanders.”

(4) “Restrictive covenants were recorded on {date} in book {number}, page {number}, {name} Recording District.”

(b) For plats based on a Global Positioning System (GPS) survey, the department’s standard GPS note, which is available on a form provided by the department, must be shown instead of the note set out in (a)(2) of this section. That form, revised as of June 6, 2000, is adopted by reference. (Eff. 7/5/2001, Register 159)

Authority: AS 40.15.330 AS 40.15.370

Editor’s note: The address for requesting forms described or adopted by reference in 11 AAC 53.700 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Avenue, Suite 650, Anchorage AK 99501-3576. Forms may also be obtained from the department’s web site at www.dnr.state.ak.us/land/platting

11 AAC 53.720. FINAL PLAT SUBMITTAL UNDER AS 40.15.300. (a) A final plat must conform to 11 AAC 53.600 — 11 AAC 53.740 and be free of tape, repairs, paste-on materials, or other appliqués. If those materials were used in plat production, a blackline copy, on polyester film of Dupont Mylar or equivalent quality, may be used as a new original, if the copy maintains the density of line, clarity of background, accuracy, and other qualities of a normal original. Reproducible copies duplicated by ammonia or photostatic process will not be accepted.

(b) Submittal of a final plat must include the following:

(1) the reproducible final plat and one blackline print must be submitted

for approval to the department; the print must be made before any certificates or acknowledgments on the reproducible final plat are signed and before any official seals are applied; both the reproducible final plat and the print must be signed and sealed separately in black ink;

(2) an update to the certificate to plat required under 11 AAC 53.620(a)(3), or the title status report described in 11 AAC 53.610(b) as applicable, executed no more than 90 days before final plat approval, must be submitted with the plat;

(3) each plat at the time of filing for record must have a signed certificate from the tax-collecting official of the municipality in which the land is located stating that all taxes levied against the property as of the date of the certificate are paid or, if the parcel is inside the boundaries of a municipality that does not exercise taxing authority or is outside of a municipality, a certificate on the plat that the parcel is not subject to taxation at the date of this survey;

(4) recording fees must be paid in accordance with 11 AAC 05.010.
(Eff. 7/5/2001, Register 159)

Authority: AS 40.15.330 AS 40.15.370

11 AAC 53.730. REPLATS AND VACATIONS. (a) A plat of land that is subject to the department's platting authority under AS 40.15.070 may not be replatted, vacated, or otherwise changed without the approval of the commissioner. Approval for a change to or vacation of a plat is initiated by filing the original and one copy of a petition with the department in Anchorage. However, if the area to be replatted is also partially within the jurisdiction of a municipal platting authority, and if the municipal platting authority agrees, the commissioner may delegate to that entity the authority to receive, review, and approve the petition for the entire area to be replatted in accordance with the municipality's own procedures.

(b) A petition for a replat or vacation filed with the department must contain

(1) a copy of the original survey plat showing the area for change or

vacation;

(2) the name, address, and land ownership of each petitioner and all other landowners within the petition area and within 500 feet beyond the petition area;

(3) the action sought by the petitioner and a statement of reasons for the requested change or vacation; and

(4) the name and address of the petitioner or the agent authorized by the petitioner to receive service by mail.

(c) The plat review and filing fees required by 11 AAC 05.010 must accompany the petition.

(d) No more than 60 days after a petition is filed and the fees required by 11 AAC 05.010 have been received, a public hearing will be held on the petition at a place designated by the commissioner. At least once a week for two consecutive weeks, a notice of hearing that meets the requirements of AS 29.40.130 will be published in a newspaper of general circulation published within each judicial district in which the land is located. If no such newspaper exists, the notice will be posted in the local post office or other place of general visitation. A copy of the notice will be mailed by registered mail to each

(1) petitioner;

(2) known person not joining the petition who is the owner of record of land located within the petition area or within 500 feet of the petition area; and

(3) affected public agency and utility.

(e) If the petition is approved, the commissioner will prepare a state platting resolution and notify the petitioner by certified mail. A copy of the resolution will be sent with the notice. In the notice, the commissioner will require the petitioner to present to the commissioner a final plat of the replat that complies with 11 AAC 53.210 and 11 AAC 53.230. The replat must be prepared at the petitioner's expense. If the replat is not completed within 18 months after the date of the state platting resolution, the platting resolution expires, unless the commissioner extends the time limit for good cause. The commissioner may require a preliminary plat that complies with

11AAC 53.220 before the plat is approved. Each agency and utility notified of the petition must be notified of the approval. The commissioner will record the plat and the state platting resolution in each recording district where a portion of the changed or vacated area is located, and the change or vacation is not valid until the recording has taken place. The department will send to the petitioner a copy of the recorded plat and a copy of the platting resolution showing the recording data. The original copies of the replat and the platting resolution will be maintained by the department.

(f) A replat showing a change and presented to the department must contain the following standard certificates, as set out in 11 AAC 53.210 and available on a form provided by the department:

- (1) the surveyor's certificate;
- (2) the approval certificate;
- (3) the certificate of ownership;
- (4) a section-line easement vacation certificate, if necessary under

AS 19.30.410 and AS 29.35.090.(Eff7/5/2001, Register 159)

Authority:	AS 38.04.045	AS 38.05.020
	AS 38.04.900	AS 40.15.305

Editor's note: The address for requesting forms described or adopted by reference in 11 AAC 53.730 is: Statewide Platting Supervisor, Department of Natural Resources, 550 W. 7th Avenue, Suite 650, Anchorage AK 99501-3576. Forms may also be obtained from the department's web site at www.dnr.state.ak.us/land/platting

11 AAC 53 is amended by adding a new section to read:

11 AAC 53.740. VARIANCES. The department will grant a variance from a provision of 11 AAC 53.600 – 11 AAC 53.730 if the person seeking a variance demonstrates, to the satisfaction of the department, that

- (1) granting the variance will not be detrimental to the public health, safety, or welfare, injurious to adjacent property, or contrary to the public interest;
- (2) the variance sought does not violate a statute; and

(3) the conditions on which the variance application is based do not apply generally to properties similar to the one for which the variance is sought. (Eff.

7/5/2001, Register 159)

Authority: AS 40.15.330 AS 40.15.370

ARTICLE 6 [5]. GENERAL PROVISIONS.

11 AAC 53.900(25) is amended, and new paragraphs are added, to read:

11 AAC 53.900. DEFINITIONS. Unless the context clearly indicates otherwise, in this chapter:

...

(25) “public access easement” means an easement **that is identified to allow access by the public, including access to private property by the owners of that private property and their invitees, and that may be used for any mode of transportation commonly employed for access purposes, subject to any restrictions noted on the plat, deed, or other legally applicable document**

[RETAINED BY THE STATE AT THE TIME OF DISPOSAL OF STATE LAND, TO INSURE CONTINUED ACCESS TO STATE LAND AND ACCESS TO AND ALONG NAVIGABLE OR PUBLIC WATER];

...

(42) “amended plat” means a plat of record that is corrected and re-recorded to correct a technical error that does not affect acreage, property lines, or valid existing rights;

(43) “block” means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or by physical barriers, and having an assigned number or letter;

(44) “commissioner” means the commissioner of natural resources;

(45) “controlling exterior corner” means a corner on the exterior boundary

of a subdivision that is an angle point or a point of curvature;

(46) “dedicate” means to grant or convey into public ownership for public use; “dedicate” includes the designation of a public area on a plat;

(47) “department” means the Department of Natural Resources;

(48) “lot” means the smallest portion of a subdivision, constituting a single parcel, division, or piece of land intended for sale or dedication as a single unit;

(49) “lot summary” means a document showing bearings and distances used to compute parcel area and showing closure;

(50) “meander line” means the traverse run at the line of mean high water or ordinary high water of a permanent natural body of water, surveyed not as a boundary, but to define generally the sinuosities of the bank or shoreline and to determine the approximate quantity of land remaining after segregation of the water area;

(51) “parent parcel” means the original tract from which a parcel is being created by subdivision;

(52) “replat” means the redelineation of one or more existing lots, blocks, tracts, or parcels of a previously recorded subdivision or other survey that involves the change of property lines or, in the case of a vacation, the altering or eliminating of dedicated streets, easements, or public areas. (Eff. 3/27/80, Register 73; am 7/5/2001, Register 159)

Authority:	AS 38.04.045	AS 38.05.035	AS 40.15.370
	AS 38.05.020	AS 40.15.330	